

## REMARKS

Claims 1, 4-28 and 32-39 remain in the application, in which claims 7-14, 18-23, 32-34 and 36-39 are withdrawn from consideration. Applicants respectfully request for allowance of pending claims 1, 4-6, 15-17 and 24-28.

### Rejections under 35 U.S.C. §102

Claims 1, 4-6, 15, 17, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.K. Patent No. GB 1,416,168 to Frankl (hereinafter referred to as "Frankl"). In addition, claims 16, 24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankl in view of U.S. Patent No. 6,536,271 to Gopalakrishanan et al. (hereinafter referred to as "Gopalakrishanan") and U.S. Patent No. 6,648,606 to Sabini et al. (hereinafter referred to as "Sabini").

The claimed invention as described in independent claim 1 is directed to a method of monitoring the condition of a pump, or a component of a system having a pump. The method comprises "*generating an abnormal load condition whereby the pump or system component is subject to an increased stress as compared with normal operating stresses and further comprises causing a reduction in clearance between parts of the pump.*" Frankl does not teach or suggest such claimed step.

Frankl does not teach or suggest "*generating an abnormal load condition whereby the pump or system component is subject to an increased stress as compared with normal operating stresses.*" Frankl is about measuring the hysteresis of a governor at a particular speed, which is defined as the difference between a first position of control rod 13 at that speed when the speed is rising and a second position of control rod 13 at the same speed when the speed is falling. See, col. 1, lines 21-26. The speed selected to

measure the hysteresis lies within prescribed limits. See, col. 1, lines 16-20. Prescribed limits imply a range of speed, in which a pump normally operates, such that the hysteresis of the governor can be measured at a speed in normal operation. Since nowhere in Frankl mentions the need for stress testing the pump in order to project its failure, it cannot anticipate the claimed invention where an abnormal load condition is generated that subject the pump or system component to an increased stress as compared with normal operating stresses.

Examiner asserts *"Frankl discloses subjecting the pump to a low speed and then a high value, where anyone of ordinary skill in the art would recognize that this would inherently generate an abnormal stress on the pump."* However, Applicants respectfully disagree. Although a pump may change from a low speed to a high speed, the induced stress is not necessarily abnormal. If the speeds selected are within a prescribed range of limits, as Frankl teaches, the induced stress will be "normal" instead of "abnormal."

Accordingly, claims 4-6, 15-17 and 24-28 that depend from claim 1 and include all limitations recited therein are not anticipated by Frankl under section 102, nor rendered obvious by Frankl in view of Gopalakrishanan and Sabini under section 103.

### CONCLUSION

Applicants have made an earnest attempt to place this application in an allowable form. In view of the foregoing remarks, it is respectfully submitted that the pending claims are drawn to a novel subject matter, patentably distinguishable over the prior art of record. Examiner is therefore, respectfully requested to reconsider and withdraw the outstanding rejections.

Should Examiner deem that any further clarification is desirable, Examiner is invited to telephone the undersigned at the below listed telephone number.

Applicant does not believe that any additional fee is due, but as a precaution, the Commissioner is hereby authorized to charge any additional fee to deposit account number 50-4244.

Respectfully submitted,

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